

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JULIE CAMACHO KAWAGISHI,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC, et al.,

Defendants.

No. 2:22-CV-0919-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action. Pending before the Court is Defendants' motion to compel Plaintiff to attend her deposition. See ECF No. 29. The motion is set for hearing on March 29, 2023, at 10:00 a.m., before the undersigned in Redding, California.

Because the motion concerns the lack of any response to discovery, the motion was noticed pursuant to Eastern District of California Local Rule 251(e). Under this rule, an opposition to the motion is due no later than seven days before the hearing, in this case by March 22, 2023. To date, no opposition has been filed. The hearing will, therefore, be vacated and the Court herein rules on Defendants' unopposed motion.

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1 In their motion, Defendants assert that Plaintiff failed to appear for her properly
2 noticed deposition. See ECF No. 29. Defendants seek an order compelling Plaintiff to attend her
3 deposition and for an award of reasonable expenses. Pursuant to Eastern District of California
4 Local Rule 230(c), (l), the Court may construe the failure to file an opposition as consent to the
5 relief requested. The Court does so here. Given Plaintiff's apparent disregard for the discovery
6 process, her failure to file an opposition to the pending motion, and consistent with the Local
7 Rules, the Court will grant Defendants' unopposed motion and order Plaintiff to attend a properly
8 noticed deposition.

9 The Court will also award reasonable expenses to Defendants pursuant to Federal
10 Rule of Civil Procedure 37. The declaration of counsel submitted with Defendants' motion
11 establishes that counsel spent a total of 1.2 hours related to the present motion, totaling \$360.00 at
12 a reasonable rate of \$300.00 per hour. See ECF No. 29, pg. 4. Defendants also incurred a fee of
13 \$790.00 in court reporter fees for the previously noticed deposition. See id. Because the hearing
14 will be vacated, no additional expenses will be incurred. The Court will award to Defendants a
15 total of \$1,150.00 in reasonable expenses.

16 Plaintiff is cautioned that her failure to pay the expenses or attend her deposition
17 as ordered below may result in imposition of terminating sanctions.

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. The hearing on Defendants' motion to compel, set for March 29, 2023, at
20 10:00 a.m., before the undersigned in Redding, California, is vacated;
- 21 2. Defendants' unopposed motion to compel, ECF No. 29, is granted;
- 22 3. Plaintiff is ordered to attend a properly noticed deposition; and
- 23 4. Within 30 days of the date of this order, Plaintiff shall pay to Defendants
24 reasonable expenses in the amount of \$1,150.00.

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26 Dated: March 23, 2023

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28 DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE